മിസ്റ്റർ ഇമ്പിച്ചി ഹാജി ഈസ്സാ സേട്ട്: ആ സമയംവരെ ഞങ്ങൾ ആശിച്ചിരിക്കാം.

COCHIN HARBOUR—FIXING OF LIMITS

286. Mr. A. B. Salem *(Mattancheri):* Will Government be pleased to state.—

(*a*) when was the award made by the Boundary Commission, and whether a copy of the same has been received by Government;

(*b*) will Government be pleased to state whether the Administrative Office and its premises on the Willingdon Island and the Malabar Hotel and the new Baggage customs are within the jurisdiction of our State?

Mr. A. Madhava Prabhu *(Diwan Peishkar):*

(*a*) 2nd March 1936. A copy of the award has been received by Government.

(*b*) Yes; the Willingdon Island is exclusively Cochin territory.

Mr. A. B. Salem *(Mattancheri):* Can we have a copy of this award placed on the table of this House?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* That is a matter which has to be considered. I cannot hold out a promise now.

Mr. V. K. Bhaskara Menon *(Cranganur):* May I know Sir, whether there is any toll gate at the entrance of the port limit near the Railway line?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* To my knowledge, there is no toll gate there.

Mr. A. B. Salem *(Mattancheri):* Is there a gate leading to the port area?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* There is.

Mr. A. B. Salem *(Mattancheri):* Is there a toll established at the gate?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* Not by the Cochin Government, to my knowledge.

Mr. A. B. Salem *(Mattancheri):* Is anybody else authorised to establish a toll in our territory?

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Mr. A. Madhava Prabhu *(Diwan Peishkar):* We have not authorised anybody.

Mr. President: It is a fee levied by the Port authorities for the entry of any vehicles within the Port limits.

Mr. A. B. Salem *(Mattancheri):* So, that is not a toll.

Mr. President: No. Just because it is an island within our territory, as a private concern we cannot ask them not to collect any amount for entry within their limits. For example, if Mr. Salem has got 50 acres of land, and he says, if anybody wants to enter my area, you must pay Rs. 5, Government cannot check that. There seems to be some misapprehension that because Willingdon Island is within Cochin territory, they cannot levy any fees for the entry of vehicles within the Port area. It is constituted a part of Cochin State for the purposes of jurisdiction, and, just as any private concern or private individual has any right to levy any fees for entry within their limits, the Port authorities have also got an equal right to levy these fees, if any people wish to enter within the Port limits.

Mr. A. B. Salem *(Mattancheri):* The difficulty here is this. You cannot compare the port with a private individual or a private concern. The port itself is Government's.

Mr. President: No, no. The port is an autonomous body.

Mr. A. B. Salem *(Mattancheri):* It is an autonomous trust created by the Government itself. Therefore, their position would not be the same position as in the case of a private owner.

Mr. President: I say, for the purpose of collecting this fee for entry into the port limits, the port is in the same position as any other private individual or concern.

Mr. A. B. Salem *(Mattancheri):* Is there any Act under which they can levy these fees?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* There is no Act.

Mr. A. B. Salem *(Mattancheri):* Then, how is the public to know whether they are authorised or not authorised to collect this fees?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* As the Diwan President pointed out, whatever rights a private owner has with regard to his property the port authority has also got the same rights within the port area.

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Mr. A. B. Salem *(Mattancheri):* It is not correct. A private owner can pull down or burn any buildings that are situate within his property. Can the port authorities do that?

Mr. President: They also can do it with the consent of the various Governments concerned.

Mr. A. B. Salem *(Mattancheri):* Either they must act under a Port Trust Act or under certain powers which have been publicly bestowed upon them as a public body. They cannot act as private owners. That is the point which I want to emphasise. The port is a public body. They must act either under the Ports Act or the Port Trust Act. Whatever that may be, the matter must be made public so that everybody should know.

Mr. M. Sivarama Menon *(Advocate-General):* The Administrative Officer has already notified that it is proposed to levy such and such a fee on vehicles entering the port area. It was done with the concurrence of the Cochin Government. Permission was given tentatively, and a draft of an Act is now under the consideration of the Government. Because of the several facilities afforded by the Port authorities, it is but proper that a fee is levied, not as a toll but only as a fee. Toll is a monopoly of the Sovereign.

Mr. A. B. Salem *(Mattancheri):* So, a fee is levied for traffic on the roads.

Mr. M. Sivarama Menon *(Advocate-General):* For the use of the roads made at the cost of the Port.

Mr. A. B. Salem *(Mattancheri):* If the road is a public road will not that fee become a toll?

Mr. M. Sivarama Menon *(Advocate-General):* Here it is not a public road.

Mr. Ismail Hajee Essa Sait *(Mattancheri):* I think, the annual fee levied is Rs. 5.

Mr. M. Sivarama Menon *(Advocate-General):* Yes.

Mr. A. B. Salem *(Mattancheri):* Was the levying of that fee gazetted?

Mr. M. Sivarama Menon *(Advocate-General):* I think it has been published in the Cochin Government Gazette. It was notified by the Administrative Officer in the papers.

Mr. A. B. Salem *(Mattancheri):* May you kindly quote the gazette reference?

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Mr. M. Sivarama Menon *(Advocate-General):* I will find it out in the afternoon.

Mr. A. B. Salem *(Mattancheri):* Now that it is stated that the Willingdon Island is under our jurisdiction, has the Government begun to levy the license fee on the Malabar Hotel for carrying on the D. & O. trades there?

Mr. A. Madhava Prabhu *(Diwan Peishkar):* I do not think that arises out of this question. The matter is yet under correspondence as was stated last time.

WEEKLY MARKET REPORTS—PUBLICATION OF

287. Mr. C. V. Iyyu *(Kunnamkulam):* Will Government be pleased to state.—

(*a*) whether the Tahsildar of Cochin-Kanayannur publishes the weekly market reports every week;

(*b*) if not, why;

(*c*) whether each Tahsildar publishes the weekly market reports of the same produce or separate produces;

(*d*) whether Government have given any instructions to each Tahsildar as to the variety of produces they should report;

(*e*) whether they have any objection to report the weekly market rates of paddy, cocoanut, arecanut, pepper and such other produce in the markets of Nemmara, Chalakkudi, Chelakkara and Kunnamkulam?

Mr. A. Madhava Prabhu *(Diwan Peishkar):*

(*a*) Yes, generally.

(*b*) No answer is necessary.

(*c*) The market rates of the principal products of the State are published.

(*d*) Yes.

(*e*) There is objection, since the rates prevailing at the Taluk head-quarters are published every week in the Gazette, and there will be no end to such publications, if we begin to enlarge the list of such places.

Mr. C. V. Iyyu *(Kunnamkulam):* Each Tahsildar publishes market reports of different commodities. Recently, the Tahsildar of Talappalli has been publishing rates of arecanuts. These rates were published recently by the Trichur Tahsildar also. They were

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